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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,275	09/29/2003	Ramona Rae Fechter	28082.119	8370

7590 07/11/2006

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2225 West Chandler Boulevard  
Chandler, AZ 85224

EXAMINER
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QUARTERMAN, KEVIN J

ART UNIT	PAPER NUMBER
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2879

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/674,275	Applicant(s) FECHTER ET AL.	
	Examiner Kevin Quarterman	Art Unit 2879	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) 10-16, 20 and 21 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 17-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>0903</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election with traverse of Group I, claims 1-9 and 17-19, in the reply received on 10 January 2005 is acknowledged. The traversal is on the ground(s) that the restriction requirement makes no sense technically, since it is unclear how one can "cure" a sputtered or CVD layer. This is not found persuasive because it is known in the art to deposit a film, such as a dielectric layer, using several methods including chemical vapor deposition and sputtering, and then curing the layer (e.g., see US 6,764,367). Thus, the Examiner holds that the "other and materially different" requirement has been met in the restriction requirement.
2. The requirement is still deemed proper and is therefore made FINAL.

### ***Drawings***

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: Reference signs "61" of Figure 8 and "65" of Figure 9 are not mentioned in the description.
4. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be

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labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 112***

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2 and 4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

7. Claim 2 recites the limitation "the surface" in the second line of the claim. There is insufficient antecedent basis for this limitation in the claim. The Examiner acknowledges the recitation of "a first surface" in independent claim 1, upon which claim 2 depends. However, claim 2 recites the panel emitting light outwardly from the surface. Each layer recited in independent claim 1 is presumed to have *a surface*. Therefor, the Examiner submits that it is unclear as to which *surface* applicant refers to in claim 2.

8. Claim 4 recites the limitation "said outer surface" in the first line of the claim, which also lacks antecedent basis as discussed above for claim 2.

***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

10. Claims 1-9 and 17-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Burrows (US 6,271,631).

11. Regarding independent claim 1, Figure 7 of Burrows shows an article having an electroluminescent panel (701A thru 701D) as a first surface of the article and Figure 2 of Burrows shows the electroluminescent panel comprising a transparent first layer (114); a first conductive layer (112) overlying the first layer; a second conductive layer (106); a dielectric layer (110) and a phosphor layer (108) between the first conductive layer and the second conductive layer; a protective layer (104) overlying the second conductive layer; and a removable release layer (102) overlying the protective layer to support the other layers.

12. Regarding claim 2, Burrows discloses the panel emitting light outwardly from the surface (col. 11, ln. 22-40).

13. Regarding claim 3, Burrows discloses the panel emitting light into the article (col. 11, ln. 22-40).

14. Regarding claim 4, Burrows discloses the outer surface being three-dimensional (col. 11, ln. 19-21).

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15. Regarding claim 5, Burrows discloses the transparent first layer and the protective layer being polyurethane (col. 6, ln. 42-46).
16. Regarding claim 6, Figure 2 of Burrows shows a hard coating layer (116) underlying the transparent first layer.
17. Regarding claim 7, Figure 2 of Burrows shows a UV curable resin (116) underlying the transparent first layer.
18. Regarding claim 8, Burrows discloses a graphics layer underlying the first transparent layer (col. 4, ln. 13-15).
19. Regarding claim 9, Burrows discloses a graphics layer adjacent a second surface of the article (col. 4, ln. 13-15).
20. Regarding independent claim 17, Figure 7 of Burrows shows an instrument cluster having at least one electroluminescent lamp (701A-D) as a first surface of the cluster and Figure 2 of Burrows shows the lamp comprising a transparent first layer (114); a first conductive layer (112) overlying the first layer; a second conductive layer (106); a dielectric layer (110) and a phosphor layer (108) between the first conductive layer and the second conductive layer; a protective layer (104) overlying the second conductive layer; and a removable release layer (102) overlying the protective layer to support the other layers.
21. Regarding claim 18, Figure 7 of Burrows also shows a plurality of electroluminescent lamps, wherein at least some of the lamps include a graphics layer (col. 4, ln. 13-15).

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22. Regarding independent claim 19, Figure 7 of Burrows shows a cellular telephone having an electroluminescent panel (701A-D) as a first surface of the telephone and Figure 2 of Burrows shows the panel comprising a transparent first layer (114); a first conductive layer (112) overlying the first layer; a second conductive layer (106); a dielectric layer (110) and a phosphor layer (108) between the first conductive layer and the second conductive layer; a protective layer (104) overlying the second conductive layer; and a removable release layer (102) overlying the protective layer to support the other layers.

### ***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Zovko (US 6,818,326) discloses an EL lamp with flexible areas. Araki (US 6,142,643) discloses an electroluminescent retroreflective article. Burrows (US 2004/0145089) discloses UV-curable inks for ptf laminates.

**Contact Information**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quarterman whose telephone number is (571) 272-2461. The examiner can normally be reached on M-TH (7-5:30).

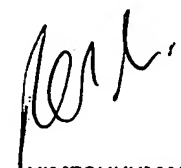
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nimesh Patel can be reached on (571) 272-2457. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Kevin Quarterman  
Examiner  
Art Unit 2879

kq

8 July 2006



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